· THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

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+ WRIT PETITION No. 1157 OF 2007

% Dated 19.02.2007

J.Chandramohan Goud and others …. Petitioners

Vs.

$ The Junior Civil Judge, Pattikonda, Kurnool Districts and Others

….Respondents

! Counsel for appellant: Mr. H.Harischandra Reddy

^Counsel for Respondent Nos.1 and 2: P.V.Sanjay Kumar,
^Counsel for the Respondents No.3 and 4: G.P. for Home
^ Counsel for the Respondent No.5: Jayashankar Reddy
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> HEAD NOTE:

? Cases referred

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1157 of 2007

Date: 19.02.2007

Between:

J.Chandramohan Goud and others.

....Petitioners

And

The Junior Civil Judge, Pattikonda, Kurnool District and others.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1157 of 2007

O R D E R:

Petitioners are the Advocates practicing in the Court of Junior Civil Judge, Pattikonda, Kurnool District. They feel aggrieved by the orders issued by the 4th respondent in G.O.Rt.No.1949, dated 30.12.2002, appointing the 5th respondent herein as Assistant Government Pleader for that Court.

The petitioners state that after the post of Assistant Government Pleader fell vacant, steps were initiated in accordance with the instructions in G.O.Ms.No.187, Law (L) Department, dated 16.12.2000 (for short 'the instructions'). According to them, the Junior Civil Judge, Pattikonda, first respondent herein forwarded a panel of

five Advocates, including their names, to the learned District Judge, Kunool, second respondent herein. It is stated that the name of the 5th respondent was not at all included in the panel, and despite the same, he came to be appointed.

Sri Harischandra Reddy, the learned counsel for the petitioners submits that the first respondent is the best person to assess the performance and desirability of Advocates for being appointed as Assistant Government Pleaders and there was no basis or justification for respondents 2,3 and 4, in appointing a person, who was not recommended by the first respondent.

Sri P.V.Sanjay Kumar, the learned counsel appearing for respondents 1 and 2, had obtained instructions. He stated that the matter of appointment of Assistant Government Pleaders to the Subordinate Courts is governed by the instructions, and that according to Clause (5) thereof, it is the panel forwarded by the District Collector, third respondent herein, that becomes the basis for the 4th respondent to act upon. He contends that on the basis of his own verification, the second respondent had included the name of the 5th respondent also in the panel forwarded by him to the third respondent.

The learned Government Pleader for Home appearing for respondents 3 and 4, submits that the 5th respondent was appointed, after assessment of his performance, and no prejudice can be said to have been suffered by the petitioners.

Sri Jayashankar Reddy, the learned counsel for the 5th respondent, submits that the appointment of his client fully accords with the instructions and that he has since taken charge.

The Government formulated a procedure through executive instructions contained in G.O.Ms.No.187, dated 16.12.2000. Clause (5) thereof deals with the procedure for appointment of Assistant Government Pleaders in the subordinate Courts. A panel of Advocates is to be forwarded by the District Collector to the Government. While forwarding the panel, the District Collector is placed under obligation to consult the District Judge. Therefore, what becomes material in the whole process is the panel forwarded by the District Collector. The consultation between the District Judge and the concerned subordinate Judge, is almost informal. When the recommendation of the District Judge itself is not final, the question of attaching any finality to the recommendations of the Presiding Officer of the concerned subordinate

Court does not arise.

In the instant case, it has emerged that though the name of the 5th respondent was not recommended by the learned Junior Civil Judge, the learned District Judge has included the same in his recommendation to the third respondent i.e. District Collector. Therefore, it cannot be said that any procedural irregularity has taken place. This Court does not find any basis to grant any relief to the petitioners.

The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

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19.02.2007

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